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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,682

06/21/2006

Erhard Moses

P31,725 USA

9424

23307 7590 06/23/2009

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EXAMINER

PRICE, CRAIG JAMES

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,682	Applicant(s) MOSES, ERHARD	
	Examiner Craig Price	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/21/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inclined pivot axis (claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show 14 and 19' as described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract

The abstract of the disclosure is objected to because, the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Correction is required. See MPEP 608.01(b).

Claim Objections

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 11, line 3, the limitation "topside", and line 11, the limitation "counter surface". Appropriate correction is required.

Claim 11 is objected to because of the following informalities: line 14 and 15, the limitation "the support disk being connected to the floating body" repeats the preceding limitation and should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation "said axial extension" in line 20 and 21. There is insufficient antecedent basis for this limitation in the claim.

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Claim 11, line 22, recites the limitation “positive locking abutment”, is unclear as to how the abutment locks the surfaces together. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mills et al. (5,960,816).

Regarding claim 11, Mills et al. disclose a bleed valve for the fuel tank of a vehicle, the bleed valve comprising, a cylindrical housing (12) with a housing base (20), the housing being intended for attachment to a wall of the fuel tank, the housing having a topside (14) with an outlet orifice (as shown in Figure 4), at least one inlet orifice (12a) communicating with the head space of the fuel tank, a floating body (18) within the housing, a spring (20b) supporting the floating body on the housing base, the floating body being moveable longitudinally within the housing, a valve seat (the face of the housing contacting 18d) for the outlet orifice defined by a rim (22) surrounding the outlet orifice, a sealing element (18d) moveable according to movement of the floating body between a position which closes the outlet orifice and a position which opens the outlet orifice, a counter surface (the top surface of float 18 directly below 18c, see Figures 3 and 4) connected to the floating element, wherein in the closed position of the

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valve, the sealing element is fixed between the valve seat and the counter surface, and a support disk (18c, the cup-shaped part within which spring 18 h resides, as shown in Figures 11 and 12) connected to the floating body, the support disk being connected to the floating body, the support disk being mounted for pivotal movement about mutually perpendicular pivot axes wherein one of the pivot axes is inclined with respect to the longitudinal axes of the housing (the support disk is mounted to 18d which permits pivotal movement through 18d' and can pivot about the axis through the conical point of 18g, if required to seat properly on the sealing surfaces), the support disk further including a pair of mutually diametrically opposed axially extending retainer elements (18b, two of the legs of 18b) attached to the floating body, wherein the support disk includes an integrally formed annular flange (the ledge of 18c, near lead line 18b, as shown in Figure 3), each retainer element being positioned for engagement over the annular flange, the "axial extensions" being differently dimensioned in the direction extending upwardly from the floating body (as shown in Figure 7, the right extension is longer than the left extension, when measuring the distance from the horizontal portion contacting the bottom of the extension to the underside of the flange of 18b), each axial extension terminating in a positive locking abutment extending over the annular flange, the abutments together establishing the pivot axis which is inclined with respect to the long axis of the cylindrical housing.

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Regarding claim 12, Mills et al. disclose that the valve seat extends radially in relation to the longitudinal axis of the cylindrical housing (the face of the housing acting as the valve seat contacting 18d does extend radially, as shown in Figure 3).

Regarding claim 13, Mills et al. disclose that the valve seat extends perpendicularly with respect to the longitudinal axis of the housing (the face of the housing acting as the valve seat contacting 18d does extend perpendicularly, as shown in Figure 3).

Regarding claims 14, 16 and 17, Mills et al. disclose that the sealing element is formed as a sealing disk, on which in a central region a tubular, fluid-conveying projection (18c) is integrally formed, a cut-out (the bore of 18c surrounding 18d) in the support disk, the conveying projection extending through the cut-out integrally formed on the facing end side of the floating body, a guide mandrel (18f, 18g) integrally formed on the facing end side of the floating body, the guide mandrel protruding from the floating body and sealingly closing the facing opening of the projection when the valve is in the closed position (as shown in Figure 3).

Regarding claims 15, 18, 19 and 20, Mills et al. disclose a ring-like arrangement of support fingers (as shown in Figure 4, the other 2 fingers, 18b, not previously utilized) facing towards the support disk, the fingers being spaced apart in the peripheral direction and having radially inwardly facing surfaces "for exerting a radial guiding effect upon a facing inner surface of the support disk". Regarding "for exerting ...support disk", a recitation of the intended use of the claimed invention must result in a

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structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record discloses similar float valves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571)272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP 12 June 2009
/Craig Price/
Examiner, Art Unit 3753

/Robin O. Evans/
Supervisory Patent Examiner, Art Unit 3753